

Article - Estates and Trusts

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§13–704.

(a) The court may:

(1) Superintend and direct the care of a disabled person;

(2) Appoint a guardian of the person; and

(3) Pass orders and decrees respecting the person as seems proper, including an order directing the disabled person to be sent to a hospital.

(b) Procedures in these cases shall be as prescribed by the Maryland Rules and in accordance with the provisions of this subtitle and Title 13.5 of this article.

(c) (1) On the filing of a petition for attorney's fees made in reasonable detail by an interested person or an attorney employed by the interested person, the court may order reasonable and necessary attorney's fees incurred in bringing a petition for appointment of a guardian of the person of a disabled person to be paid from the estate of the disabled person.

(2) Before ordering the payment of attorney's fees under paragraph (1) of this subsection, the court shall consider:

(i) The financial resources and needs of the disabled person;
and

(ii) Whether there was substantial justification for the filing of the petition for guardianship.

(3) On a finding by the court of an absence of substantial justification for bringing the petition for guardianship, the court shall deny a petition for attorney's fees filed under paragraph (1) of this subsection.

(4) The court may not award attorney's fees under paragraph (1) of this subsection if the petition for guardianship is brought by:

(i) A government agency paying benefits to the disabled person;

(ii) A local department of social services; or

(iii) An agency eligible to serve as the guardian of the disabled person under § 13–707 of this subtitle.

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